

0050

From: Karl Houskeeper
To: krus8416@aol.com; mark.reynolds@hiawathacoal.com; mnz@princeyeates.com
CC: Angela Nance; Daron Haddock; Suzanne Steab
Date: 11/10/2009 3:49 PM
Subject: October 2009 Inspection Report
Attachments: Bear Canyon October 2009.pdf

Outgoing
CO150025
OK

Attached is the October 2009 inspection report for Bear Canyon,

Karl



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Representatives Present During the Inspection:

Company	Mark Reynolds	Resident Agent
OGM	Karl Houskeeper	Environmental Scientist III
OSM	Christine Belka	Environmental Protection Specialist

Inspection Report

Permit Number:	C0150025
Inspection Type:	COMPLETE OVERSITE
Inspection Date:	Thursday, October 29, 2009
Start Date/Time:	10/29/2009 7:30:00 AM
End Date/Time:	10/29/2009 12:00:00 PM
Last Inspection:	Wednesday, September 23, 2009

Inspector: Karl Houskeeper, Environmental Scientist III

Weather: Cloudy, Temp. 33 Deg. F.

InspectionID Report Number: 2177

Accepted by: jhelfric

11/10/2009

Permittee: **HIAWATHA COAL CO INC**

Operator: **HIAWATHA COAL CO INC**

Site: **BEAR CANYON MINE**

Address: **PO BOX 1240, HUNTINGTON UT 84528**

County: **EMERY**

Permit Type: **PERMANENT COAL PROGRAM**

Permit Status: **ACTIVE**

Current Acreages

10,991.83	Total Permitted
40.46	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- ☒ Federal
☐ State
☐ County
☒ Fee
☐ Other

Types of Operations

- ☒ Underground
☐ Surface
☐ Loadout
☐ Processing
☐ Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Inspector's Signature: _____

Karl Houskeeper, Environmental Scientist III

Inspector ID Number: 49

Date: Thursday, October 29, 2009

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

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Inspection Continuation Sheet

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REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

The current DOGM permit C/015/0025 was issued effective 04/03/2007 and expires 11/02/2010 to CW Mining.

- Certificate of Insurance policy number GL 360 21 36, issued 01/01/2009 and terminates 01/01/2010, CW Mining.
- UPDES permit # UTG040000(UTG040006) effective 08/01/2008 and expires @ midnight 04/30/2013, CW Mining.
- Air Quality permit DAQE-145-02, issued February 22, 2002, CW Mining.
- SPCC Plan dated 09/14/06. The Plan is P.E. certified, stamped, signed and dated by a Utah P.E., CW Mining.

2. Signs and Markers

The mine ID sign is located at the point of public access. Parts of the sign are missing (ie, part of the phone number). The sign is legible, but dated.

4.a Hydrologic Balance: Diversions

The diversion to the main portal area has been regraded.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

Pond B has been cleaned. Cleaning of pond D has begun.

Information relative to Sediment Pond D on the quarterly reports is obviously inaccurate. Elevations for the Primary and Emergency Spillways can not be correct. Reviewed the Map for Sediment Pond D upon return to the Price Field Office (PFO). The map in the approved Mining and Reclamation Plan(MRP) at the PFO shows that the map is a proposed map. It appears that an as-built map for Sediment Pond D was not submitted for inclusion in the MRP. Mark Reynolds, Hiawatha Coal Co., submitted via e-mail a copy of the as-built map immediately following the field inspection. This needs to go through a formal amendment process. With the bankruptcy proceedings the Division is not reviewing any amendments from Hiawatha Coal Co. for this permit. This item needs to be taken care of when possible through the formal process.

The official report for third quarter sediment pond inspections was not available during the field visit. Field notes were in a book. Immediately following the field inspection the formal third quarter 2009 sediment pond inspection reports were submitted by Mark Reynolds, Hiawatha Coal Co. The ponds were inspected on September 21, 2009 and certified on October 29, 2009. A copy of the report was forwarded to Christine Belka (OSM), April Abate (OGM) and to OGMCOAL.

4.e Hydrologic Balance: Effluent Limitations

The August 2009 discharge monitoring reports were reviewed.

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21. Bonding and Insurance

CW Mining has a bond through Lyndon Property Insurance Company NPL-0601-310000 for \$1,825,000.